

MINUTES OF THE CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM
February 18, 2005
9:00AM

CALL TO ORDER

Jacquelyn McCray called the meeting to order at 9:10 am, with the following present:

Commission Members:

Present: Valerie Lemmie, Curt Paddock, and James Tarbell. ***Members Absent:*** Terry Hankner, Donald Mooney and Caleb Faux.

Community Development and Planning Staff:

Margaret Wuerstle, Lenny Adkins, Renee Christon, Larry Harris, Katherine Kellam and Jennifer Walke.

Law Department:

Julia Carney

MINUTES

Minutes from the February 4, 2005 Planning Commission were submitted for approval. Mr. Paddock requested that Item # 4, be corrected showing that MSD had not approved the plans.

Motion:	Ms. Lemmie made a motion to accept the minutes as corrected
Second:	Mr. Paddock
Vote:	All ayes (4-0), motion carried

CONSENT ITEMS

There were no consent items.

DISCUSSION

ITEM #1 A report and recommendation on a proposed zone change from SF-6 - Residential Single Family District to RM 1.2 - Residential Multi Family District at 1317 Cedar Avenue in College Hill.

Petitioner: Sheryl Simmons
 1317 Cedar Avenue
 Cincinnati, OH 45224

Background:

On October 1, 2004, City Planning Commission authorized a study of the zoning at 1317 Cedar Avenue in College Hill. The resident at the property, Ms. Sheryl Simmons, requested the study because during Zoning Code rewrite project the previous zoning designation of R-3 -Two-Family District was changed to SF-6 - Residential Single Family District. The purpose of the request was to allow Ms. Simmons to open an Adult Health Care Facility.

The site is located near the intersection of Cedar Avenue and Lantana Avenue in College Hill. Other Residential Single-Family districts, namely the SF-4 zone, surround the SF-6 zone. As there was no

specific zoning designation listed in the request, staff suggested the RM 1.2 Residential Multi-Family District, which is a zone that is close to a single-family zone but would allow for congregate housing. Also, there is an RM 1.2 zone adjacent to a portion of the SF-6 zone that is closest to the Business District.

The petitioner is the resident at the property. The property owner is Reverend Fred L. Shuttlesworth, and he signed the letter sent by the petitioner making this request. There is no other documentation showing that she officially has any current or future financial interest in the property.

Analysis of Proposed Change:

The first issue regarding this proposed change in zoning is that the property at 1317 Cedar Avenue is not immediately adjacent to a Residential Multi-Family District, but is, in fact, surrounded entirely by Residential Single-Family Districts. To change the zoning on only this property would result in spot zoning - when a single lot held by a single owner is rezoned to permit land uses not available to the adjacent property. Spot zoning, if put into place, could allow for the encroachment of higher-intensity uses. For this reason, spot zoning is widely regarded as an irresponsible planning practice.

Staff received five letters in opposition to the request for a change in zoning. One letter was from the College Hill Forum, another was from the College Hill Community Urban Redevelopment Corporation (CHCUTC), and three more were from residents. Additionally, at the Staff Conference, a resident of Cedar Avenue, Ms. Karen Dudley, spoke in opposition on behalf of herself as a resident, and also on behalf of the College Hill Forum.

There was some confusion about the type of proposed facility that prompted the zoning study. If the petitioner had interest in opening a facility that qualifies as Congregate Housing or Transitional Housing, it would require a multi-family zoning district. However, if the petitioner had interest in serving a clientele of developmentally disabled individuals, it would not require a zone change, as this is a permitted use in all residential districts. After discussion at the Staff Conference and further research, the petitioner decided to focus on developmentally disabled individuals, which is a permitted use.

Conclusions:

1. A rezoning of the SF-6 zone to an RM-1.2 would result in spot zoning, which is unacceptable.
2. The College Hill Forum and College Hill Community Urban Redevelopment Corporation (CHCUTC) plus four other property owners spoke out against the rezoning.
3. After the Staff Conference, the petitioner re-evaluated her business plans and has decided to concentrate her efforts on serving developmentally disabled clientele, which is a permitted use in all residential zones.

Recommendation:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

Discontinue the zoning study of a proposed change of SF-6 Residential Single Family District to RM 1.2 Residential Multi Family at 1317 Cedar Avenue in College Hill since the use now requested by the petitioner is a permitted use in the SF-6 zoning district.

Motion: By Ms. Lemmie motioned to discontinue the study
Second: Mr. Paddock
Vote: All ayes (4-0), motion carried

ITEM #2 Report and recommendation on the “Update” to the North Avondale Reading Road Business District Urban Design Plan.

Background:

In February 2004 the Cincinnati City Council conditionally adopted the newly rewritten zoning code for the entire City. One of the conditions was to place an Interim Development Control (IDC) district on all sites in the City that had been “Transition Districts” with land use restrictions, and begin planning studies to determine if the prescribed zones of the new code for these sites contained provisions to buffer incompatible uses. Two sites in the North Avondale business district, 3916 and 4007 Reading Road were previously zoned as R-1T, a transition-zoning district, were covered by IDC #59.

A letter from the community council dated June 8, 2004, requested that the *1995 North Avondale Reading Road Urban Design Plan* be revised by the Department of Community Development and Planning as part of the planning study for the IDC to reflect the changes in conditions at several key properties sites within the North Avondale Reading Road Business District. The Community also requested that the City expand the sites covered by the IDC to include these key locations. In July 2004, the properties located at 3770, 3800, 3935, 4015 and 4100 Reading Road were added to the planning study and the 1995 Urban Design Plan became the vehicle for the planning study. The boundary of the 1995 plan, for purposes of the study, was extended to begin at the intersection of Reading Road and Dana Avenue and was lengthened past the intersection of Reading Road and Asmann to include the site of the National Guard Armory in Paddock Hills.

Analysis:

The staff of the Department of Community Development and Planning has concluded the IDC planning study requested by City Council. The staff presented the findings of the study in a report to the community in November 2004 and they approved the recommendations. The findings of the zoning study concluded that the commercial zoning, Commercial Neighborhood-Mixed (CN-M) at the intersection of Paddock Road and Reading Road is not compatible with the goal of the 1995 plan to, ***“enhance and add to the existing residential use in the business district, while maintaining mixed-use activities throughout the district”***. The study recommends rezoning of the district to CN-P, Commercial Neighborhood-Pedestrian to restrict the district from developments with drive-thru operations. In addition, a portion of the CN-M district is in close proximity to a RM-1.2 residential mixed density area along Paddock Road. The study recommends rezoning the subject parcel from CN-M to RM-1.2, to provide a more effective residential buffer. City Planning Commission approved the rezoning of the CN-M district as described, at its December 17, 2004 meeting.

The study also recommends that the southern area of the business district between Clinton Springs Avenue and Dana Avenue on the east side of Reading Road be rezoned from RM-1.2, low density residential multi-family to OL, office limited. The properties in this area are similar in character to the properties north of Clinton Springs and Reading Road that are currently zoned OL. Staff recommends this change to facilitate the best use for the properties in this area of the district.

There were no other recommendations for rezoning the other districts studied. The North Avondale community asked the Planning Division to present this report and recommendations for consider as an update to the 1995 Urban Design Plan.

Findings:

The approval of the zone changes in December 2004, support the community's goal of **“enhancing and adding to the existing residential use in the business district, while maintaining mixed-use activities”** in this area of the business district. The rezoning reflects the wishes of the community council and the majority of the affected property owners. The planning study evaluated the appropriateness of the new zoning for each of the properties identified as part of the expanded IDC, and the community has approved the recommendations as an update to the 1995 Urban Design Plan.

Staff has completed the zoning study along with the plan update with full community input. The community and business owners affected have accepted the findings and approved the report presented in November 2004.

Recommendation:

The staff of the City Planning Division recommends that the City Planning Commission approve the update for the 1995 North Avondale Reading Road Business District Urban Design Plan as outlined in the analysis.

Motion: By Mr. Paddock to approve the update
Second: Ms. Lemmie
Vote: All ayes (4-0), motion carried

ITEM # 3 An informal presentation by the Sawyer Place Company to solicit preliminary feedback from the City Planning Commission on the Concept Plan for PD #17.

Mr. C. Francis Barrett, Attorney for the Sawyer Place Company, George Stewart, Jeff Stewart, Mary Stillpass and Robert Doran, appeared before the Commission to give an overview of the proposed Stewart Landing Project. Two handouts for the project, 1) Proposed Overview, and 2) Technical Compliance with the Planned Development District Regulations, were submitted to the Planning Commission. The project will consist of office, retail, residential and hotel space.

Comments and questions from the Commissioners including the following topics:

- The number of housing units
- Density issues
- Erosion issues
- Traffic impacts
- City costs for infrastructure and other items
- Viewsheds and the blocking of views

Ms. Lemmie was concerned about traffic impacts, erosion problems and the public assistance that would be needed. She asked that the developer contact her office to schedule a meeting, and she would ensure that the proper people were in attendance to discuss these issues. Mr. Tarbell was troubled by the mass of the project on the river's edge and felt that the views should be preserved from both the

Ohio side of the river as well as the Kentucky side. Mr. Tarbell was also concerned about public access to the waterfront. The Planning Commission decided to digest the information presented at this meeting and discuss their concerns at the next meeting before providing input on the proposed Conceptual Plan.

ADJOURN

Motion: By Mr. Tarbell to adjourn
Second: Mr. Paddock
Vote: All ayes (4-0), motion carried

Margaret A. Wuerstle, AICP
Chief Planner
Department of Community
Development & Planning

Date: _____

Caleb Faux, Chair
City Planning Commission

Date: _____